

REMARKS

Claims 1-4, 8-22, and 25 remain in the referenced application. Claims 1, 4 and 25 have been amended. Claims 5-7, 23-24, and 26-47 have been canceled.

The specification has been amended to correct a mischaracterization with respect to the protective structure 400. Particularly, the terms “floor assembly 120”, “floor structure 121” and “floor 125” have been changed to “roof assembly 120”, “roof structure 121” and “roof 125”. Page 11, lines 4-6 recites that the fowl utilize the area below the “floor” structure 121 for protection from the elements, predators and extreme weather conditions. It is therefore clear that the fowl reside underneath the “floor” assembly 120. As such, the “floor assembly 120” and thus the “floor structure 121” and “floor 125” actually function as a roof. Applicant accordingly has amended the specification to reflect this use for the “floor assembly 120”, “floor structure 121”, and “floor 125”. Applicant respectfully submits no new matter has been entered because page 11, lines 4-6, provides a basis for the amendments through the recitation of the purpose of the “floor assembly 120, “floor structure 121”, and “floor 125”.

The claims in this application’s parent were rejected primarily based upon *Quail On Small Woodlands*, Woodland Fish and Wildlife Project Publication, July 1996 (hereinafter referred to as Woodland Fish and Wildlife). Applicant accordingly has amended the claims, in particular claim 1, to recite the elements of the protective structure. The claims thus now recite a protective structure comprising a roof assembly, a plurality of uprights, a horizontal support secured between adjacent uprights, a radial support secured between the ground and either an upright or a horizontal support, a circumferential support secured between all but one of adjacent radial supports, a cap support secured to the horizontal supports, and a cover. Applicant respectfully submits Woodland Fish and Wildlife does not disclose a protective structure

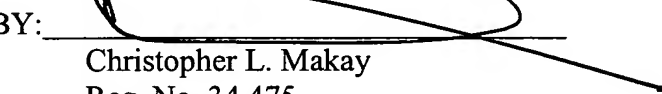
including the elements recited in the claims. Applicant therefore respectfully submits the claims are patentable over Woodland Fish and Wildlife. Applicant further respectfully submits the remaining prior art of record also does not disclose a protective structure including the elements recited in the claims.

In view of the foregoing, Applicant submits the application is in condition for allowance and such action is therefore respectfully requested.

Respectfully submitted,

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DATE: 13 July 2005

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CERTIFICATE OF MAILING

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